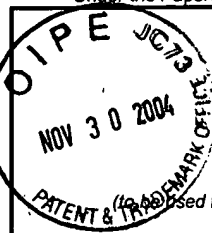


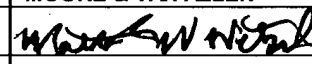
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

 <b>TRANSMITTAL FORM</b> (Use for all correspondence after initial filing)	Application Number	10/711,822	
	Filing Date	October 7, 2004	
	First Named Inventor	Donald R. Moody	
	Group Art Unit		
	Examiner Name		
Total Number of Pages in This Submission	4	Attorney Docket Number	018300-001728

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) ____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please</i> <i>identify below):</i> Copy of Notice to File Missing Parts; 2 Page Declaration; Express Mail Certificate & Acknowledgment Postcard.
Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual Name	MATTHEW W. WITSIL MOORE & VAN ALLEN
Signature	
Date	11/30/04

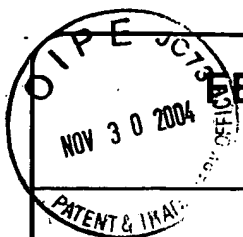
**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name			
Signature		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



# **FREE TRANSMITTAL** **for FY 2004**

Patent fees are subject to annual revision.

**Complete if Known**

Application Number	10/711,822
Filing Date	October 7, 2004
First Named Inventor	Donald R. Moody
Examiner Name	
Group Art Unit	
Attorney Docket No.	018300-001728

**TOTAL AMOUNT OF PAYMENT****(\$130.00)****METHOD OF PAYMENT (check all that apply)**
☒ Check    ☐ Credit Card    ☐ Money Order    ☐ Other    ☐ None
☒ Deposit Account:
 Deposit Account Number  
 13-4365

 Deposit Account Name  
 Moore & Van Allen PLLC
**The Commissioner is authorized to: (check all that apply)**
☐ Charge fee(s) indicated below    ☒ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, **except for the filing fee** to the above-identified deposit account.
**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	770	201	385	Utility filing fee	
106	340	206	170	Design filing fee	
107	530	265	260	Plant filing fee	
108	770	208	385	Reissue filing fee	
114	160	214	80	Provisional filing fee	

**SUBTOTAL(1)** (\$)**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims		Extra Claims	Fee from below	Fee Paid
	-20**=		X	
Independent	-3**=		X	
Claims				
Multiple Dependent				

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	86	202	43	Independent claims in excess of 3
104	290	204	145	Multiple dependent claims, if not paid
109	86	209	43	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL(2)** (\$)

\*\*or number previously paid, if greater, For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	130.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	420	216	210	Extension for reply within second month	
117	950	217	475	Extension for reply within third month	
118	1,480	218	740	Extension for reply within fourth month	
128	2,010	228	1,005	Extension for reply within fifth month	
119	330	219	165	Notice of Appeal	
120	330	220	165	Filing a brief in support of an appeal	
121	290	221	145	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,330	241	665	Petition to revive - unintentional	
142	1,330	242	665	Utility issue fee (or reissue)	
143	480	243	240	Design issue fee	
144	640	244	320	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	770	246	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	770	249	385	For each additional invention to be examined (37 CFR § 1.129(b))	
179	770	279	385	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL(3)** (\$130.00)**SUBMITTED BY**
 Name (Print Type)  
 Matthew W. Witsil  
 (Attorney/Agent)

 Registration No.  
 47,183
**Complete (if applicable)**
 Telephone  
 919-286-8000

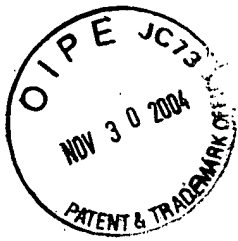
Signature

Date

11/30/04

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement; This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 200231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Donald R. Moody et al.

Application No.: 10/711,822

Filed: October 7, 2004

For: THERMAL WALL SYSTEM

Mail Stop: Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMPLETION OF FILING REQUIREMENTS**

1. This replies to the Notice to File Missing Parts of Nonprovisional Application Filed Under 37 CFR 1.53(b) mailed on November 19, 2004.

A copy of the Notice to File Missing Parts of Nonprovisional Application Filed Under 37 CFR 1.53(b) is enclosed.

**DECLARATION OR OATH**

2. No original signed declaration or oath was filed and enclosed is the original signed declaration or oath for this application.

**COMPLETION FEES**

3. Filing fee

Utility patent application (37 CFR 1.16(a))--\$740.00;	
small entity--\$370.00)	\$
Design application (37 CFR 1.16(f))--\$330.00; small	
entity--\$165.00)	\$

Fees for claims

Independent claims in excess of three (\$84.00;	
small entity--\$42.00)	\$
Claims in excess of twenty (\$18.00;	
small entity--\$9.00)	\$

Multiple dependent claims (\$280.00; small entity--\$140.00)	\$
Surcharge fees	
Late filing of original declaration or oath (37 CFR 1.16(e)--\$130.00; small entity--\$65.00);	\$ <u>130.00</u>
Petition and fee for filing by other than all the inventors or a person not the inventor (37 CFR 1.17(h) and 1.47--\$130.00)	\$
Fee for processing an application filed with a specification in a non-English language (37 CFR 1.17(k) and 1.52(d)--\$130.00)	\$
Fee for processing and retention of application (37 CFR 1.21(l) and 1.53(d)--\$300.00)	\$
<b>Total Completion Fees</b>	<b>\$ <u>130.00</u></b>

4. Payment of Fees

Enclosed is a check for \$130.00.

**AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT**

5. The Commissioner is hereby authorized to charge additional fees which may be required by this paper and during the pendency of this application to Deposit Account No. 13-4365.

11/30/04  
(DATE)

  
(SIGNATURE OF ATTORNEY)

Reg. No.: 47,183

Matthew W. Witsil  
Type or print name of attorney

Tel No.: (919) 286-8000

430 Davis Drive, Suite 500  
Address

Morrisville, North Carolina 27560-6832



### EXPRESS MAIL CERTIFICATE

EXPRESS MAIL LABEL NUMBER: EV 584684977 US

Date of Deposit: November 30, 2004

First Named Inventor: Donald R. Moody

For: THERMAL WALL SYSTEM

I hereby certify that the following documents:

1. Transmittal Form (PTO/SB/21);
2. Fee Transmittal for FY 2004 (PTO/SB/17);
3. Check in the amount of \$130.00;
4. Completion of Filing Requirements;
5. Copy of Notice to File Missing Parts;
6. Declaration;
7. Express Mail Certificate; and
8. Acknowledgement Postcard.

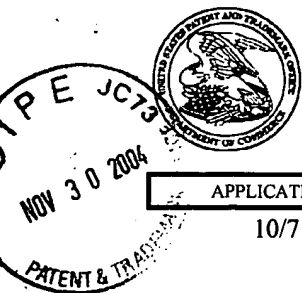
are being deposited in a single envelope with the United States Postal Services "Express Mail" service under 37 C.F.R. 1.10 on the date indicated above and such envelope is addressed to:  
Mail Stop: Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Kim Oakley  
(Name of Person Mailing Documents)

K. Oakley  
(Signature of Person Mailing Documents)

12-01-04

1825



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/711,822	10/07/2004	Donald R. Moody	018300-001728

24239  
MOORE & VAN ALLEN PLLC  
P.O. BOX 13706  
Research Triangle Park, NC 27709

CONFIRMATION NO. 5821

FORMALITIES LETTER



\*OC000000014408278\*

Date Mailed: 11/19/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

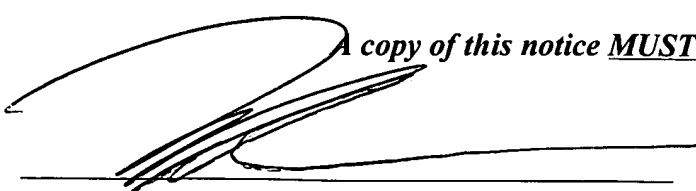
SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

12/02/2004 WABDELRI 00000025 10711822 130.00 OP 01 FC:1051

 A copy of this notice **MUST** be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY